

## SENATE BILL No. 494

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 11-13-3-4.5; IC 20-12-34-6.

**Synopsis:** Minimum standards for chemical tests. Requires the director of the state department of toxicology of the Indiana University School of Medicine to adopt guidelines to establish minimum standards for chemical tests to detect the presence of alcohol or a controlled substance. Provides that a parolee's parole may not be revoked on the basis of a chemical test unless the test: (1) complies with the guidelines adopted by the state department of toxicology; or (2) is a breath test and would be admissible in a proceeding under IC 9-30-5, IC 9-30-6, IC 9-30-9, or IC 9-30-15.

**Effective:** July 1, 2002.

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### Hume, Miller

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January 14, 2002, read first time and referred to Committee on Judiciary.

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Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

## SENATE BILL No. 494

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 11-13-3-4.5 ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2002]: **Sec. 4.5. A parolee's parole may not be revoked on the**  
4 **basis that the parolee failed a chemical test unless:**

5 (1) **the chemical test complies with the guidelines adopted by**  
6 **the director of the state department of toxicology under**  
7 **IC 20-12-34; or**

8 (2) **the results of the chemical test of the parolee's breath**  
9 **would be admissible in a proceeding under IC 9-30-5,**  
10 **IC 9-30-6, IC 9-30-9, or IC 9-30-15.**

11 SECTION 2. IC 20-12-34-6 IS ADDED TO THE INDIANA CODE  
12 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
13 1, 2002]: **Sec. 6. (a) The director of the state department of**  
14 **toxicology of the Indiana University School of Medicine shall adopt**  
15 **written guidelines establishing minimum standards for chemical**  
16 **tests designed to detect and confirm the presence of alcohol or a**  
17 **controlled substance (as defined in IC 35-48-1-9). The standards**



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1 adopted by the director of the state department of toxicology must  
2 describe:

3 (1) the proper storage of specimens (including blood and body  
4 fluid or tissue) and chemicals;

5 (2) how much time may elapse between the time a specimen is  
6 collected and the time the specimen is tested;

7 (3) the proper technique to ensure that a medical condition  
8 such as diabetes does not affect the test results; and

9 (4) any other procedure or technique to ensure that the test  
10 results will have a high level of accuracy.

11 (b) Upon request, the director of the state department of  
12 toxicology shall provide any person with a copy of the guidelines  
13 adopted under this chapter. The department may charge a fee to  
14 cover its actual costs of printing and mailing the guidelines.

15 SECTION 3. [EFFECTIVE JULY 1, 2002] IC 11-13-3-4.5 and  
16 IC 20-12-34-6, both as added by this act, apply only to parole  
17 revocation proceedings in which the petition to revoke parole was  
18 filed after June 30, 2002.

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